

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24<sup>TH</sup> DAY OF JULY 2006, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers	-Planning & GIS Director
	Steve Sandy	-Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **ADD TO THE AGENDA – ADDENDUM**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the following addendum dated July 24, 2006 was added to the agenda under Closed Meeting:

Section 2.2-3711                      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Boundary Adjustment Agreement – City of Radford

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Gary D. Creed	
Annette S. Perkins	
John A. Muffo	
James D. Politis	
Steve L. Spradlin	

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
    - 1. Bethel Elementary School Property
    - 2. Kipps Farm Property
  - (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
    - 1. Library Board
  - (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
    - 1. Boundary Adjustment Agreement – City of Radford

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

### **OUT OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only

such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### VOTE

#### AYES

Annette S. Perkins  
Mary W. Biggs  
Doug Marrs  
Gary D. Creed  
John A. Muffo  
James D. Politis  
Steve L. Spradlin

#### NAYS

None

#### ABSENT DURING VOTE

None

#### ABSENT DURING MEETING

None

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

#### **Special Use Permit – Howard W. Phillips, II (Agent: Verizon Wireless) – Telecommunications Tower and Equipment Shelter**

**Howard W. Phillips, II (Agent: Verizon Wireless) requests a special use permit on approximately 29.239 acres in Agriculture (A-1) to allow a one-hundred fifty (150) foot telecommunications tower and equipment shelter.** The property is located on the northwest corner of the Rock Road and Lovely Mount Drive intersection and is identified as Tax Parcel Nos. 89-A-12D (Acct ID # 130077) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a presentation on the request. Verizon Wireless is proposing to construct a 150 ft. telecommunications tower on a 29.239 acre tract on Rock Road. The site adjoins Radford City limits. The new tower would be used by Verizon Wireless to provide additional wireless coverage in the area and capacity to handle call volume in the Radford area. The facility would also be available for co-location by other cellular providers and emergency services, if needed.

The proposed use is expected to have limited impact on surrounding properties. Traffic and noise is not a factor and there will be no lighting mounted on the pole. The proposed 150 ft. structure will be 100 ft above the existing tree line; however, it will not be located on the ridgeline. It will be more visible from surrounding areas facing the City of Radford.

The Radford City Planning Commission also reviewed this request and responded that the location is suitable for the proposed tower. The tower will be located in a sparsely populated area of the City of Radford, making it less intrusive for the citizens.

At their July 19, 2006 meeting, the Planning Commission recommended approval of the special use permit and recommended the tower height at 120 ft. instead of 150 ft.

Supervisor Creed asked why the Planning Commission recommended a lower height of 120 ft. than the requested height of 150 ft.? He believes if there is no citizen opposition to the 150ft. tower it would seem logical to construct the tower at a taller height in order make available more co-location sites. The County's regional approach to telecommunications towers stresses co-location. If new towers are not constructed tall enough then more requests will be before the Board for new towers.

Supervisor Marrs asked if Verizon Wireless provided a space for emergency services antenna? If not, he would like for this be made part of the condition that space be made available if needed.

Greg Tolly with Verizon Wireless, explained that each fiscal year Verizon evaluates coverage at existing locations. They determine the capacity and the need for additional capacity. During this evaluation it was determined that their exiting cell tower in Radford had significant problems with coverage and capacity in the vicinity of I-81 in Radford, Montgomery County and City of Radford. The capacity problem causes disruption in service and dropped calls. To solve this problem, an additional tower is needed. Verizon Wireless made every effort to co-locate its antenna on an existing structure, but unable to find a suitable location.

The Planning Commission's recommendation of a 120 ft tower instead of 150 ft. tower is acceptable to Verizon Wireless. The 150 ft tower would provide the maximum number of providers for co-location of 4 to 5 providers. The 120 ft tower would provide an additional 2-3 providers. Mr. Tolly also indicated they would provide a space for emergency services.

There being no further speakers, the public hearing was closed.

**R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. & Balzer & Associates, Inc.)**  
**(Continued from the June 26, 2006 Meeting)**

**R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. & Balzer & Associates, Inc.) request to rezone approximately 63.224 acres of a 120.397 acre tract from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow the development of up to 193 residential dwellings.** The property is located north west of the intersection of MudPike Road (Rte.666) and Harkrader Street and is identified as Tax Parcel Nos. 92-A-62,62B,63,& 76 (Acct # 008099, 008101) in the Riner Magisterial District (District D). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator provided a presentation on the request. The applicant is requesting to rezone 63.224 acres of a 120.397 acre tract from A-1 to PUD-RES to allow for the construction of 194 single family detached and attached dwellings located at the intersection of Mud Pike Road and Harkraker Street. This development also consists of approximately 32.5 acres within the Town of Christiansburg that has been rezoned to Residential R-3 and is to be developed with single-family detached residences at a density not to exceed four units per acre. The total development consists of 280+ units in the Town of Christiansburg and the County.

A development of this nature will generate impacts related to traffic, schools, and stormwater; however, the applicant has proffered several conditions to help alleviate these impacts. The major concerns expressed by staff and the Planning Commission is the traffic impact and no direct access from the development to Radford Road. The applicant has proposed several accesses into the development and has been divided into phases. The access for the first 164 lots (69 lots in the County and 95 lots in the Town) will be via Harkrader Street either through Grand View Subdivision or Harmon Forest Subdivision. The next 94 lots will be encouraged to use the new subdivision street to Moose Drive, which will not be constructed until after Phases 1-3 have been developed. Staff believes when looking at the development in its entirety there is a strong need for direct access to Radford Road. This would allow traffic from the higher density areas in the development to enter and exit without taking the route through the remainder of the development and surrounding subdivisions. It would allow for more efficient traffic flow and reduce traffic impact on existing subdivisions and Moose Drive.

The developer has also proffered that no more than 20 lots will be sold per year for the first three years to help alleviate the impact on the school system. Montgomery County Schools uses an approximation of 0.6 additional students per dwelling. The development has a potential to add approximately 173 additional students to the Christiansburg strand.

At their July 12, 2006 meeting, the Planning Commission recommended denial to the Board of Supervisors for the following reasons:

1. Adverse traffic impacts on Harkrader Street (Grand View Estates Subdivision and Harmon Forest Subdivision) and on the Mud Pike & Moose Drive and Moose Drive & Main Street intersections from the proposed 289 unit development.
2. Lack of direct access from the proposed 289 unit development onto a major street such as Radford Road (US Route 11).

In discussion, a number of Planning Commission members expressed general support for development of a property designed Urban Expansion in the comprehensive plan with a mix of housing types. However, the majority of the Commissioners felt that these positives were outweighed by the adverse traffic impacts from the proposed development that would be imposed on surrounding neighborhoods, streets and intersections.

The Zoning Administrator reported that the applicant submitted revised proffers on July 21,

Robert Fralin, R. Fralin Development Corporation, addressed the Board regarding his development. A new proffer was submitted to address concerns relating to the potential traffic problems. Mr. Fralin reported that subject to VDOT approval:

- A right turn taper will be provided on the west bound side of Mudpike Road at the intersection of Harkrader Street for traffic turning onto Harkrader;
- A right turn and left turn lane will be provided on Harkrader Street at the intersection of Mudpike Road;
- The proposed entrance located at the existing right-of-way across from Grand View Drive will be designed as a left turn only for traffic turning onto Harkrader Street from the proposed subdivision;
- The east bound lane of Buffalo Drive at the intersection of Moose Drive will be marked a left/right turn only, no thru traffic;
- A sidewalk will be installed south of the existing Buffalo Drive between Moose Drive and College Street;
- The developer agrees to pay for the construction of a connector road to Radford Road (US 11) if the developer or the County procures the required fee simple ownership for the land required for right-of-way.

Steve Semones, Engineer with Balzer & Associates, provided a brief summary of the proposed development and was available to answer questions from the Board. A revised proffer statement was submitted in order to address the traffic concerns related to this project.

Pete Ketterer commended R. Fralin Development Corporation on their professionalism and willingness to work with the residents in the neighborhood. Mr. Ketterer stated he has worked with Mr. Fralin to correct several issues on his property due to projects by Mr. Fralin and is happy with the treatment.

Mark Hollandsworth expressed concerns with the traffic impact to the surrounding neighborhoods. The development will have three feeder roads on Harkrader Street. He is not opposed to development but to the proposed design plan as submitted. Mr. Hollandsworth urged the Board to uphold the Planning Commission's recommendation and vote to deny the request.

Mike Miller stated their concerns were not with the development of the property but with the traffic impact. Harkrader Street is being used for a shortcut from Mudpike Road to Radford Road (Rt. 11). He submitted a petition with 57 signatures opposing the request because the developer has not given proper consideration of the impact that increased traffic will have on adjacent neighborhoods.

Andy Kelderhouse spoke in support of the proposed rezoning. Mr. Kelderhouse purchased a home in Waldron Court, a recent R. Fralin Development Corporation project. He has high regards for the development firm. The proposed plan is in compliance with the comprehensive plan and he believes is smart growth.

John Hite spoke in favor of the development. He also purchased a house developed by R. Fralin Development Corporation. The proposed plan before the Board is a good plan with plenty of access to the development.

Bryan Rice, Realtor representing R. Fralin Development Corporation, spoke in support of the request. He believes the request complies with the comprehensive plan. The main concerns with the development is the traffic impact, which has been addressed by the revised proffers submitted

Luis Mendoza spoke in support of the proposed rezoning. He commended R. Fralin Development Corporation's projects, which are well designed and affordable.

Teresa Pettus expressed concerns with the traffic impact to Grand View Subdivision. She stated there is a blind curve on Grand View Drive and it is not feasible to construct an entrance at this intersection.

There being no further speakers, the public hearing was closed.

Board Members commented that since a new proffer statement was submitted by the applicant to address concerns with the traffic impact, the request should be sent back to the Planning Commission for further review.

**R-FY-07-16  
REFER BACK TO  
THE PLANNING COMMISSION  
REZONING REQUEST  
R.R. HARKRADER, JR  
(AGENT: R. FRALIN DEVELOPMENT CORP AND  
BALZER & ASSOCIATES, INC.)**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the R.R. Harkrader, Jr. (Agents: R. Fralin Development Corp. & Balzer & Associates, Inc.) request to rezone approximately 63.224 acres of a 120.397 acre tract from Agriculture (A-1) to Planned Unit Development Residential (PUD-Res), with possible proffered conditions, to allow the development of up to 193 residential dwellings located north west of the intersection of MudPike Road (Rte.666) and Harkrader Street and is identified as Tax Parcel Nos. 92-A-62,62B,63,& 76 (Acct # 008099, 008101) in the Riner Magisterial District (District D) is hereby **referred back to** the Montgomery County Planning Commission in order to review the revised proffered conditions



submitted to the Board of Supervisors at their July 24, 2006 meeting and provide a recommendation based upon the revised conditions.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

### **PUBLIC ADDRESS**

There being no speakers, the public address session was closed.

### **DELEGATION**

#### **Clerk of Circuit Court- Request for Additional Position - REMOVED FROM AGENDA**

Allan Burke, Clerk of Circuit Court, was unable to attend the meeting.

#### **Treasurer's Proposal to Eliminate Decals**

Richard Shelton, Montgomery County Treasurer, made a presentation on his proposal to eliminate decal sales by increasing the personal property tax rate. Mr. Shelton proposes the elimination of the vehicle decal and increasing the personal property tax rate from \$2.45 to \$2.65. He reported 36 localities in Virginia have eliminated decals and several surrounding localities are considering decal elimination. Mr. Shelton stated that some of the reasons to eliminate the decals are as follows:

1. Enforcement Issues – Sheriff's Office
  - Sheriff's Office has to determine jurisdiction of vehicle
  - Town of Christiansburg residents do not have to display decal
2. Enforcement Issues – Treasurer's Office
  - Cannot use enforcement tools because of incorrect data in decal file
  - Wrong DMV information
  - Decals billed for wrong amounts

The Treasurer's Office writes off approximately \$300,000 per year due to incorrect information being billed to citizens. This is due to incorrect DMV information such as vehicles no longer in Montgomery County, vehicles no longer located in Virginia, vehicles disposed of, and vehicles inactive. In 2006, 23,774 forms were mailed out, 5,000 forms returned with noted corrections, 1,100 were not deliverable, 2,800 complaints were received in his office.

Mr. Shelton stated that the elimination of the decal would be beneficial to the County. It would help with unnecessary write-off's in his office for decal fees that cannot be collected. It would save \$25,000 in decal expenses annually and would allow additional time on other collection actions of tax liens. Mr. Shelton proposes to increase the personal property tax by .20 cents, a levy increase of \$712,000, to offset revenue loss of approximately \$500,000 from the elimination of decals.

Mr. Shelton asked the Board to consider his proposal for the upcoming year.

The County Administrator reported in FY 06, the sale of County decals generated \$570,247 and is based on vehicles owned by residents in the unincorporated area of the County. Residents of the towns either purchase a decal or pay a decal fee to their respective Town.

The County's personal property tax is levied on all residents of the County including those residing in the two Towns. The Town of Blacksburg does not have a personal property tax, but the Town of Christiansburg does.

Another issue to consider is the amount of personal property tax relief will be reduced due to the new state law capping the relief amount at 70%. This action will reduce the amount of relief in the future to less than 70% when additional vehicles are added to the books. The percentage relief is estimated to be reduced from 70% to 65% this year.

If the Board decides to change the personal property tax rate, a public hearing must be held on the proposed changes, then the Board must adopt an ordinance changing the rate. To enact any changes this year, a public hearing must be held no later than August 14, 2006 with the Board adopting the ordinance the same night. The Commissioner would have 90 days from that date to deliver the personal property book to the Treasurer. The Treasurer must issue tax tickets by November 20 for the December 5 due date.

The County Administrator provided three alternatives:

1. Eliminate the decal and absorb the \$600,000 loss in revenue .
2. Include the decal fee with the personal property bills for the residents of the unincorporated areas of the County. This alternative would require an ordinance change.
3. Make no changes.

Board members expressed concerns with the tax increase on personal property for town residents. They asked if the County could follow the same procedures as the Town of Christiansburg by eliminating the decal but applying a decal fee on the personal property

invoice. Several Board members also expressed concerns with the elimination of the decal itself. The Site Attendants at the County's Consolidated Collection Sites look for this decal as proof that the user is a Montgomery County resident. Following discussion by the Board, the County Administrator was instructed to place the issue on the next agenda in order to receive additional information.

### **CONSENT AGENDA**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated July 24, 2006 was approved.

The vote on the foregoing motion was as follow:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	

### **R-FY-07-10 A RESOLUTION SCHEDULING A PUBLIC HEARING TO HEAR COMMENTS ON AN ORDINANCE AMENDING CHAPTER 3, ARTICLE V, ENTITLED DANGEROUS OR VICIOUS DOGS, IN ORDER TO INCORPORATE STATE ENABLING LAW CHANGES**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, that the Board of Supervisors hereby schedules a Public Hearing for August 28, 2006, at 7:15 pm, or as soon thereafter, in the Board of Supervisors Meeting Room on the 2<sup>nd</sup> floor of the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizen comments on a proposed Ordinance Amending Chapter 3, Article V Entitled Dangerous Or Vicious Dogs, Section 3-50 Through 3-54 Respectively Of The Code Of Montgomery County, Virginia, In Order To Incorporate The State Enabling Law Changes Regulating Dangerous Or Vicious Dogs.

**A-FY-07-15  
REGISTRAR  
SUPPLEMENTAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

170	Registrar	\$4,195
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

02 451205	Designated Fund Balance	\$4,195
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Said resolution appropriates funds received in FY 06 from the state Board of Elections to reimburse two polling locations for the cost of improving handicapped accessibility.

**A-FY-07-16  
SHERIFF  
PROJECT LIFESAVER**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

321	Sheriff	\$200
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

424401	Project Lifesaver	\$200
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Said resolution appropriates Project Lifesaver funds for use by the Sheriff's department.

**A-FY-07-17  
TREASURER  
DMV STOP FEES**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

162	Treasurer	\$3,398
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The source of funds for the foregoing appropriation is as follows:

Revenue Account:

02 451205	Designated Fund Balance	\$3,398
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Said resolution appropriates DMV Stop Fees collected by the Treasurer's office in FY 06 to pay the associated fee to the DMV in FY 07.

**A-FY-07-18  
OFFICE ON YOUTH  
BULLYING PREVENTION GRANT**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

521	Bullying Prevention Grant	\$64,060
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

25219-424401	Bullying Prevention Grant	\$64,060
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Said resolution appropriates the Bullying Prevention Grant funds.

**A-FY-07-19**  
**VICTIM WITNESS GRANT**  
**FY 07 APPROPRIATION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

551 Victim Witness Grant	\$134,195
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
25511-424401 Victim Witness Grant	\$134,195

Said resolution appropriates the Victim Witness Grant funds for FY 07.

**A-FY-07-20**  
**PARKS AND RECREATION**  
**SUPPLEMENTAL APPROPRIATION**  
**DONATIONS**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

700 Parks and Recreation	\$1,321
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02-451205 Designated Fund Balance	\$1,321

Said resolution appropriates funds received in FY 06 by Parks and Recreation for scholarships for use in FY 07.

**A-FY-07-21**  
**SCHOOL OPERATING FUNDS**  
**SUPPLEMENTAL APPROPRIATION**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

Instruction	\$20,388
Administration/Attend & Health	18,809
Pupil Transportation	35,427
Operations and Maintenance	7,396
Non-Instruction	<u>165</u>
Total	\$82,185

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>	
State Revenue	\$82,185

Said resolution appropriates additional stated funds for the School Operating Fund.

**A-FY-07-22**  
**GENERAL SERVICES**  
**CONSOLIDATED COLLECTION SITES PAVING**

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

400	General Services	\$20,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>		
02 451205	Designated Fund Balance	\$20,000

Said resolution appropriates funds remaining from FY 06 for use in FY 07 for paving at eight consolidated sites.

**OLD BUSINESS**

**ORD-FY-07-02**  
**AN ORDINANCE AMENDING CHAPTER 2, DIVISION 9**  
**OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA,**  
**ENTITLED TRANSIENT OCCUPANCY TAX**  
**BY AMENDING SECTION 2-170 AND CREATING SECTION 2-172**  
**FOR THE PURPOSE OF INCREASING THE COUNTY**  
**TRANSIENT OCCUPANCY TAX FROM TWO PERCENT TO THREE PERCENT**  
**WITH THE EXCESS REMITTANCE OVER TWO PERCENT**  
**DESIGNATED AND TO BE SPENT SOLELY FOR**  
**TOURISM, MARKETING OF TOURISM,**  
**OR INITIATIVES THAT ATTRACT TRAVELERS**  
**TO MONTGOMERY COUNTY AND**  
**GENERATE TOURISM REVENUES IN MONTGOMERY COUNTY**

On motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Section 2-170 and Section 2-172 of the Code of County of Montgomery, Virginia shall be amended, created and ordained as follows:

Section 2-170 Transient Occupancy Tax.

There is hereby imposed and levied by the county a transient occupancy tax on hotels, motels, boardinghouses, travel campgrounds and other facilities offering guest rooms at a rate of ~~two (2)~~ three (3) percent of the amount of charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented for continuous occupancy by the same individual or group for thirty (30) or more days in hotels, motels, boardinghouses, travel campgrounds and other facilities offering guest rooms.

Section 2-172 Dispositions of remittances.

The remittances received under this Division from the portion of the tax up to two (2) percent by the County Treasurer shall be promptly paid into the County general fund. The remittance received under this division from that portion of the tax over two (2) percent shall be designated and spent solely for tourism, marketing of tourism, or initiatives that attract travelers to Montgomery County, Virginia, and generate tourism revenues in Montgomery County.

The Transient Occupancy Tax increase shall be effective October 1, 2006.



The vote on the foregoing ordinance was as follows:

AYE

Doug Marrs

Gary D. Creed

John A. Muffo

James D. Politis

Annette S. Perkins

Mary W. Biggs

Steve L. Spradlin

NAY

None

**R-FY-07-11  
GIFTS AND BEQUESTS OF ARTWORK  
TO THE COUNTY  
PEACE SCULPTURE**

On a motion by John A. Muffo, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, By letter dated March 9, 2006 and addressed to the County Administrator, the Rotary Club of Montgomery County wishes to donate and bequest to Montgomery County a sculpture made of steel residue from the World Trade Center bombing on September 11, 2001; and

WHEREAS, The material for this sculpture was brought from New York City in May 2002, with the permission of the authorities in New York and the support of Senator John Warner; and

WHEREAS, Architect Scott Hurst and landscape architect Matthew Gart were primarily responsible for the design in transforming an 8-foot long piece of twisted steel into the sculpture shown in concept in the attached figure; and

WHEREAS, The sculpture is a Rotary 100<sup>th</sup> anniversary project, commemorating 100 years of Rotary's efforts toward international peace and understanding and share Montgomery County's dedication to world peace and understanding and a remembrance of the many who lost their lives in the World Trade Center bombing; and

WHEREAS, The sculpture will be located in the Montgomery County Government Center entry plaza at a point located approximately sixty feet west of Building "B" and approximately fifty feet southeast of the center of the flagpole circle; and

WHEREAS, This bequest meets all the requirements of the Policy on Gifts and Bequests of Artwork to the County adopted by the Board of Supervisors on February 27, 2006.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts the bequest of a sculpture made of steel residue from the World Trade Center bombing on September 11, 2001 from the Rotary Club of Montgomery County.

FURTHER, BE IT RESOLVED, A plaque will be added to the erected sculpture bearing the words: *This sculpture is made of steel from the World Trade Center in New York after the attack of September 11, 2001. It was erected by the Rotary Club of Montgomery County and the Government of Montgomery County as a symbol of the need for world peace and understanding, and in remembrance of the many of all nations who have sacrificed their lives for that cause.*

The vote on the foregoing resolution was as follows:

AYE

Gary D. Creed  
James D. Politis  
Annette S. Perkins  
Mary W. Biggs  
Doug Marrs  
John A. Muffo  
Steve L. Spradlin

NAY

None

**R-FY-07-12  
GIFTS AND BEQUESTS OF ARTWORK  
TO THE COUNTY  
NANNIE B. HAIRSTON SCULPTURE**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, By letter dated March 29, 2006 and addressed to the County Administrator, the Nannie B. Hairston Sculpture Committee wishes to donate and bequest to Montgomery County the bronze portrait sculpture of Nannie B. Hariston, with display pedestal and dedicatory plaque; and

WHEREAS, Sculptor Lawrence Reid Bechtel was responsible for creation of the sculpture which was cast in bronze and mounted on a "jet black" polished granite stone with dimensions of 14"(w) x 22"(h)x10"(d); the display pedestal will have approximate dimensions of 17"x17"x48"(h); and

WHEREAS, The Nannie B. Hairston Sculpture Committee wishes to donate the Nannie B. Hairston portrait sculpture to Montgomery County in recognition of Ms. Hairston's tireless efforts over the past fifty years, including her work with the Christiansburg Community Center; and

WHEREAS, The sculpture will be located in the Montgomery County Government Center in the lobby area of Building A; and

WHEREAS, This bequest meets all the requirements of the Policy on Gifts and Bequests of Artwork to the County adopted by the Board of Supervisors on February 27, 2006.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby accepts the bequest of a bronze portrait sculpture of Nannie B. Hairston from the Nannie B. Hairston Sculpture Committee.

FURTHER, BE IT RESOLVED, A plaque will be added to the erected sculpture bearing the words:

*Nannie Berger Hairston  
1921 –*

**Praise the Lord**

*For over fifty years, beginning in 1953 when she arrived from the coalfields of West Virginia with her children and husband John T. Hairston, Nannie B. Hairston labored tirelessly for the good of the citizens of Montgomery County. The recipient of many awards and honors, including NAACP “Distinguished Woman of the Year” in 1997, she was active in numerous organizations and committees, was a charter member of the Montgomery County League of Women Voters, and long-time member of the Schaeffer Memorial Baptist Church. Concerned with the preservation of local history and the education of young people, she worked diligently on behalf of the Christiansburg Community Center, formerly the Hill School, established by Captain Schaeffer.*

*Undeterred by either obstacle or adulation, she kept her face resolutely turned toward the light of understanding, commending success in a characteristic phrase, “Praise the Lord!” Truly, Nannie B. Hairston was an elder of the people.*

*In celebration of her work and life, grateful citizens dedicate this monument.*

*Nannie B. Hairston Sculpture Committee: Alvin Humes, Chair, Queen Alexander, Larry Bechtel, Colette Hairston Hash, Ann Grover, Lindsey West, members*

*Approved by the Montgomery County Board of Supervisors, July 24, 2006  
Dedicated [date]*

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

### **NEW BUSINESS**

#### **R-FY-07-13 AMEND RULE 16 OF BOARD OF SUPERVISORS RULES OF ORDER**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby amends Rule 16 of the Board of Supervisors *Rules of Order* as follows:

Individual speakers will be limited to 5 minutes to address the Board during the public address and the public hearing portions of the meeting.  
***Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting ,unless extension is granted by the Chair.***

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

**R-FY-07-14**  
**GOODWILL INDUSTRY CONTRACT**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors adopted a resolution on November 25, 2002 to contract with Goodwill Industries to continue services at the Sheltered Workshop that were to be terminated by New River Valley Community Services; and

WHEREAS, The resolution stated services were to be continued for the four Montgomery County citizens enrolled in the program at that time; and

WHEREAS, Currently only two of the four residents continue to receive these services.

WHEREAS, The Board of Supervisors agrees to continue to fund the two remaining residents in the program.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that funding shall continue for services to the two remaining residents from the original service contract and that no new residents shall be added.

FURTHER, BE IT RESOLVED, That the service rate and the transportation rate for continued service for these residents shall be established in the annual budget and payments will be made based on the units of service delivered to these residents.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	

**R-FY-07-15**  
**RESOLUTION OF APPRECIATION**  
**PLANNING COMMISSION**  
**JAMES E. MARTIN**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

**WHEREAS, *James E. Martin*** faithfully served as a member of the Montgomery County Planning Commission from July 1980 to May 1996 and from July 1998 to June 2006; and

**WHEREAS, James E. Martin** has served as Chairman of the Planning Commission in 1995, 1996 and 2000; as Vice-Chair in 1990, 1991 and 2005; and as Secretary in 1984; and

**WHEREAS, James E. Martin's** service to the community is evidenced in his contribution to the development of the County's Comprehensive Plan in 1983, 1990 and 2004.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **James E. Martin** for twenty-four years of outstanding service to the citizens of Montgomery County.

**BE IT FURTHER RESOLVED**, That the original of this resolution be presented to **James E. Martin** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Gary D. Creed	
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	
John A. Muffo	
Steve L. Spradlin	

### **INTO WORK SESSION**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

**BE IT RESOLVED**, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Personnel Policies and Procedures – Holiday Leave
2. Appointment to Boards and Commissions

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	
John A. Muffo	
Doug Marrs	
Steve L. Spradlin	

## **Personnel Policies and Procedures – Holiday Leave**

The County Administrator explained the current personnel policy on holiday leave relating to additional holidays. The policy states that *“Additional holidays may be designated by the Board of Supervisors, and the County shall observe any day so appointed as a legal holiday by the Governor of Virginia or the President of the United States.”*

Several Board members believe that any additional holidays granted by the Governor should be voted on by the Board.

## **OUT OF WORK SESSION**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
Mary W. Biggs	
John A. Muffo	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

## **COUNTY ADMINISTRATOR’S REPORT**

The County Administrator reported that the State overestimated FY 2007-2008 sales tax distributions for school divisions by \$130 million in year #1 and approximately \$150 million in year #2. Because of this error, the state overestimated revenues to Montgomery County by \$1.1 million for FY 06-07. If the State does not hold localities harmless, then Montgomery County would have to provide the school system with the lost revenue of \$1.1 million.

The County Administrator asked the Board’s authorization to send a letter to the County’s state legislators requesting that Montgomery County be held harmless.

By consensus, the Board authorized the County Administrator to send a letter to the County’s state legislators requesting Montgomery County be held harmless due to the state overestimating the FY 2007-2008 sales tax distribution for school divisions.

## **BOARD MEMBERS' REPORT**

**Supervisor Creed** reported he and several county staff toured the Virginia Inland Port located in Front Royal. He was impressed by the facility and stated the grounds and buildings were neat and clean. This facility is 2 times larger than the intermodal site proposed in Elliston and they transfer approximately 100 trucks per day.

**Supervisor Biggs** suggested that the Board adopt a resolution confirming their position on County's Personnel Policy and Procedures – Holiday Leave.

### **R-FY-07-17 PERSONNEL POLICY AND PROCEDURES HOLIDAY LEAVE**

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes no changes to the Personnel Policy and Procedures Section 8.4, Entitled "Holiday Leave" as follows:

*"Additional holidays may be designated by the Board of Supervisors, and the County shall observe any day so appointed as a legal holiday by the Governor of Virginia or the President of the United States."*

BE IT FURTHER RESOLVED, The Board of Supervisors hereby instructs the County Administrator to inform the Board of Supervisors when any additional holidays are granted by the Governor or President.

The vote on the foregoing resolution was as follows:

#### **AYE**

John A. Muffo  
Annette S. Perkins  
Mary W. Biggs  
Doug Marrs

#### **NAY**

James D. Politis  
Gary D. Creed  
Steve L. Spradlin



## **ADJOURNMENT**

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, August 14, 2006 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Mary W. Biggs	
Gary D. Creed	
Doug Marrs	
Annette S. Perkins	
Steve L. Spradlin	

The meeting adjourned at 10:45 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin Chair	B. Clayton Goodman, III County Administrator